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Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 6th October 2021 and is hereby published for general information:—

ACT No. 32 OF 2021.

An Act further to amend the Annamalai University Act, 2013, Bharathidasan University Act, 1981 and to repeal the Dr. J Jayalalithaa University Act, 2021.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-second Year of the Republic of India as follows:—

PART – I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Universities Laws (Amendment and Repeal) Act, 2021. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART – II.

AMENDMENTS TO THE ANNAMALAI UNIVERSITY ACT, 2013.

Tamil Nadu
Act 20
of 2013.

2. In section 1 of the Annamalai University Act, 2013 (hereinafter referred to as 'the 2013 Act'),—

Amendment of
section 1.

(1) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Short title, extent, application and commencement.”;

(2) for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) It extends to the area comprising the districts of Villupuram, Kallakurichi, Cuddalore and Mayiladuthurai.

(2-A) It applies to all colleges and institutions situated within the University area and affiliated to or approved by the University in accordance with the provisions of this Act or the statutes, ordinances and regulations made thereunder and also to all colleges and institutions deemed to be affiliated to or approved by the University under this Act.”.

Amendment of
Section 2.

3. In section 2 of the 2013 Act,—

(1) clause (a) shall be relettered as clause (ad) and before clause (ad) as so relettered, the following clauses shall be inserted, namely:—

“(a) “affiliated college” means a college or institution, situate within the University area and affiliated to the University and providing courses of study for admission to the examinations for degrees, diplomas or other academic distinctions of the University and includes a college deemed to be affiliated to the University under this Act and an autonomous college;

(aa) “approved college” means a college situate within the University area and approved by the University and providing courses of study for admission to the examinations for titles and diplomas of the University and includes a college deemed to be approved by the University under this Act;

(ab) “autonomous college” means any affiliated college designated as an autonomous college by the Syndicate of the University;

(ac) “college” means a college or an institution established or maintained or approved by or affiliated to the University and providing any course of study or training for admission to the examinations for degrees, diplomas or other academic distinctions of the University;”;

(2) after clause (c), the following clause shall be inserted, namely:—

“(ca) “Government college” means every college specified in the Schedule;

(3) after clause (f), the following clauses shall be inserted, namely:—

“(fa) “Principal” means the head of an affiliated college;

(fb) “Schedule” means the Schedule appended to this Act;”;

(4) after clause (i), the following clause shall be inserted, namely:—

“(ia) “University area” means the area comprising the districts of Villupuram, Cuddalore, Kallakurichi and Mayiladuthurai;”.

Amendment of
section 4.

4. In section 4 of the 2013 Act,—

(1) in clause (4), in sub-clause (a), for the expression “University college or laboratory”, the expression “University or an affiliated college or an approved college” shall be substituted;

(2) after clause (6), the following clauses shall be inserted, namely:—

“(6a) to affiliate colleges to the University under conditions prescribed and to withdraw the affiliations:

Provided that no college shall be affiliated to the University unless the permission of the Government to establish such college has been obtained and the terms and conditions, if any, of such permission have been complied with;

(6b) to approve colleges providing courses of study for admission to the examinations for titles and diplomas of the University under conditions prescribed and to withdraw such approval:

Provided that no college shall be approved by the University unless the permission of the Government to establish such college has been obtained and the terms and conditions, if any, of such permission have been complied with;

(6c) to designate or cancel any college as an autonomous college with the concurrence of the Government, in the manner and under conditions prescribed;

(6d) to encourage co-operation among the colleges, institutions and laboratories in the University area in such manner and for such purposes as the University may determine;

(6e) to conduct evaluation or inspection of the colleges at required interval and to take suitable action as prescribed, to improve academic excellence of the colleges;

(6f) to monitor academically the affiliated colleges and prescribe the control mechanism to achieve academic excellence;”.

5. After section 4 of the 2013 Act, the following section shall be inserted, namely:—

Insertion of new section 4-A.

“4-A. College not to be affiliated to any other University and recognition of institutions by University.— (1) No college within the University area shall be affiliated to any University other than the Annamalai University.

(2) No college or an institution affiliated to or associated with or maintained by any other University in this State shall be recognized by the University for any purpose except with the prior approval of the Government and the University concerned.”.

6. In section 5 of the 2013 Act, in sub-section (1), the following expression shall be added at the end, namely:—

Amendment of section 5.

“and of any college maintained or approved by or affiliated to the University.”.

7. In section 19 of the 2013 Act, in sub-section (2),—

Amendment of section 19.

(1) under the heading “Class I – Ex-officio Members”, clauses (b) and (f) shall be omitted;

(2) under the heading “Class II – Other Members”, for the clauses (a) to (f), the following clauses shall be substituted, namely:—

“(a) Two eminent persons to be nominated by the Chancellor on the recommendation of the Government, who will guide the Vice-Chancellor in administrative, academic and financial matters including any issues connected with social justice and policies of the Government;

(b) Two members elected by the Principals of the affiliated colleges from among themselves in accordance with the system of proportional representation by means of the single transferable vote;

(c) Two members elected by the teachers of the affiliated colleges, other than Principals, from among themselves who are members of the academic council, in accordance with the system of proportional representation by means of the single transferable vote.

Explanation.— For the purpose of this clause, “teachers” shall mean those teachers elected to the Academic Council by the teachers of the affiliated colleges from among themselves.

(d) One Dean or Director nominated by the Chancellor on the recommendation of the Vice-Chancellor;

(e) One University Professor nominated by the Chancellor on the recommendation of the Vice-Chancellor;

(f) One University Associate Professor nominated by the Vice-Chancellor by rotation according to seniority;

(g) One University Assistant Professor nominated by the Vice-Chancellor by rotation according to seniority; and

(h) One member elected by the Legislative Assembly, from among its members, representing any of the constituency in the University area.”;

(3) in sub-section (4),—

(a) in clause (a), the expression “or the Secretary to Government in-charge of Health and Family Welfare” shall be omitted;

(b) in clause (b), the expression “or Director of Medical Education” shall be omitted.

Amendment of
section 20.

8. In section 20 of the 2013 Act,—

(1) after clause (f), the following clauses shall be inserted, namely:—

“(fa) to prescribe conditions for affiliating colleges within the University area and withdraw the affiliation;

(fb) to prescribe the manner in which, and the conditions subject to which, a college may be designated as an autonomous college and such designation may be cancelled;

(fc) to provide such lectures and instructions for students of colleges and approved colleges as the Academic Council may determine and also to provide for lectures and instructions to persons not being students of colleges and to grant diplomas to them;

(fd) to recognise colleges as approved colleges;

(fe) to designate any college as an autonomous college with the concurrence of the Government and to cancel such designation;

(ff) to arrange for and direct the inspection of all affiliated and approved colleges and hostels;”;

(2) in clause (i), in item (i), after the expression “University”, the expression “or laboratory or an affiliated college or an approved college” shall be inserted;

(3) in clause (m), after the expression “charged”, the expression “for approval and affiliation of colleges” shall be inserted;

(4) in clause (z), for the expression “of the University”, the expression “in the University, affiliated colleges, approved colleges and hostels” shall be substituted.

Substitution of
section 22.

9. For section 22 of the 2013 Act, the following section shall be substituted, namely:—

“22. **Academic Council.**— (1) The Academic Council shall consist of the following persons, namely:-

Class – I Ex-Officio Members.

(a) The Vice-Chancellor;

(b) Deans of Faculties;

(c) University Librarian; and

(d) University Physical Education Director.

Class – II Other Members.

(a) Five Principals of Government Colleges to be nominated by the Chancellor by rotation on the recommendation of the Vice-Chancellor;

(b) Fifteen members from among the Professors, Heads of Departments and other teachers of the University, nominated by the Chancellor on the recommendation of the Vice-Chancellor;

(c) Not more than ten Principals of the affiliated colleges elected from among themselves in accordance with the system of proportional representation by means of the single transferable vote;

(d) Not more than ten teachers of the affiliated colleges and approved colleges, other than Principals of affiliated colleges, elected from among themselves, in accordance with the system of proportional representation by means of the single transferable vote;

(e) Not more than ten Chairmen of Boards of Studies to be nominated by rotation by the Vice-Chancellor;

(f) Five persons to be nominated by the Chancellor;

(g) Five persons to be nominated by the Pro-Chancellor;

(h) Two members of the Legislative Assembly to be elected, from among its members, representing any of the constituency in the University area;

(i) Two Secretaries of private colleges to be elected, from among themselves, in accordance with the system of proportional representation by means of the single transferable vote;

(j) Two local body members in the University area to be nominated by the Pro-Chancellor;

(k) Four members from private industries, research organizations and public sector undertakings to be nominated by the Chancellor on the recommendation of the Government;

(l) Four persons from professional societies or institutions or bodies or associations to be nominated by the Chancellor on the recommendation of the Government;

(m) Two alumni nominated by the Pro-Chancellor on the recommendation of the Vice-Chancellor; and

(n) Members of the Syndicate who are not otherwise members of the Academic Council:

Provided that the nomination by the Chancellor may take into consideration the requirements of social justice and areas remaining unrepresented.

(2) (i) In case the Secretary to Government, in charge of Higher Education or the Secretary to Government, in-charge of Law, who is a member of the Academic Council by virtue of clause (n) under 'Class II - Other Members' in sub-section (1) is unable to attend a meeting of the Academic Council for any reason, he may depute any officer of his department, not lower in rank than that of Deputy Secretary to Government to attend the meeting;

(ii) In case the Director of Collegiate Education or the Director of Technical Education who is a member of the Academic Council, by virtue of clause (n) under 'Class II - Other Members' in sub-section (1) is unable to attend a meeting of the Academic Council for any reason, he may depute any officer of the department, not lower in rank than that of Deputy Director, to attend the meeting.

(3) (i) Save as otherwise provided, elected or nominated member of the Academic Council shall hold office for a period of three years and such member shall be eligible for election or nomination for another period of three years.

(ii) Where a member is elected or nominated to the Academic Council to a casual vacancy, the period of office held for not less than one year by any such member shall be construed as a full period of three years:

Provided that a member of the Academic Council who is elected or nominated in his capacity as a member of a particular electorate or body or the holder of a particular appointment, shall cease to be a member of the Academic Council from the date on which he ceases to be a member of that electorate or body or the holder of that appointment, as the case may be:

Provided further that where an elected or a nominated member of the Academic Council is appointed temporarily to any of the offices by virtue of which he is entitled to be a member *ex-officio* of the Academic Council, he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be member of the Academic Council by virtue of his election or nomination or whether he will vacate office as such member and become a member *ex-officio* by virtue of his appointment and the choice shall be conclusive. On failure to make such a choice, he shall be deemed to have vacated his office as an elected or a nominated member.

(4) When a person ceases to be a member of the Academic Council, he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Academic Council.

(5) The members of the Academic Council shall not be entitled to receive any remuneration from the University except such daily and travelling allowances as may be prescribed:

Provided that nothing contained in this sub-section shall preclude any member from drawing his normal emoluments to which he is entitled by virtue of the office he holds.

(6) A member of the Academic Council, other than an *ex-officio* member, may tender resignation of his membership at any time before the term of his office expires. Such resignation shall be conveyed to the Chancellor by a letter in writing by the member and the resignation shall take effect from the date of its acceptance by the Chancellor.”.

Amendment of
section 23.

10. In section 23 of the 2013 Act, in sub-section (2), in clause (c), in item (i), after the expression “University” the expression “and its affiliated colleges or approved colleges” shall be inserted.

Amendment of
section 25.

11. In section 25 of the 2013 Act,—

(1) in sub-section (1), clause (d) shall be omitted;

(2) in sub-section (2), the expression “or the Secretary to Government, in-charge of Health and Family Welfare” shall be omitted.

Amendment of
section 29.

12. In section 29 of the 2013 Act, after clause (o), the following clauses shall be inserted, namely:—

“(oa) the conditions of recognition of approved colleges and of affiliation to the University;

(ob) the manner in which, and the conditions subject to which, a college may be designated as an autonomous college or the designation of such college may be cancelled and the matters incidental to the administration of autonomous colleges including the constitution or reconstitution, powers and duties of the Academic Council and Boards of Studies;”.

13. In section 31 of the 2013 Act, for clause (a), the following clause shall be substituted, namely:—

Amendment of section 31.

“(a) the admission of students to the University, affiliated colleges, approved colleges and laboratories;”.

14. In section 36 of the 2013 Act, for the expression “member of a University”, the expression “member of the University or an affiliated college or approved college” shall be substituted.

Amendment of section 36.

15. After section 52 of the 2013 Act, the following section shall be inserted, namely:—

Insertion of new section.

“52-A. Certain Acts not to apply.—(1) Subject to the provisions of sub-sections (2) to (8), the Bharathidasan University Act, 1981 (Tamil Nadu Act 2 of 1982) and the Dr. J Jayalalithaa University Act, 2021 (Tamil Nadu Act 5 of 2021) shall, with effect on and from the date of commencement of the Tamil Nadu Universities Laws (Amendment and Repeal) Act, 2021 (hereinafter referred to as the 2021 Act), cease to apply in respect of the areas to which the provisions of this Act extend.

(2) Such cessor shall not affect,—

(a) the previous operation of the Bharathidasan University Act, 1981 (Tamil Nadu Act 2 of 1982) and the Dr. J Jayalalithaa University Act, 2021 (Tamil Nadu Act 5 of 2021) (hereinafter referred to as the said Acts) in respect of the areas referred to in sub-section (1);

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Acts; or

(c) any investigation, legal proceedings or remedy in respect of such penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and such penalty, forfeiture or punishment may be imposed as if the 2021 Act had not been passed.

(3) Notwithstanding anything contained in sub-section (1), all statutes, ordinances and regulations made under the said Acts and in force on the date of commencement of the 2021 Act shall, in so far as they are not inconsistent with this Act, continue to be in force in the University area until they are replaced by the statutes, ordinances and regulations to be made under this Act.

(4) Notwithstanding anything contained in this Act, the statutes, ordinances and regulations continued in force under sub-section (3) or made under this Act, every person who, immediately before the commencement of the 2021 Act was a student of a college within the University area affiliated to, or approved by, the Bharathidasan University or Dr. J Jayalalithaa University, as the case may be, was eligible to appear for any of the examinations of the Bharathidasan University or Thiruvalluvar University, respectively, shall be permitted to complete his course of study in the Bharathidasan University or the Thiruvalluvar University, as the case may be, and the Annamalai University, shall make arrangements for the instruction, teaching and training for such students for such period and in such manner as may be determined by the Annamalai University, in accordance with the course of study in the Bharathidasan University or the Thiruvalluvar University, as the case may be, and such students shall, during such period, be admitted to the examinations held or conducted by the Bharathidasan University or the Thiruvalluvar University, as the case may be, and the corresponding degree, diploma or other academic distinctions of the Bharathidasan University or the Thiruvalluvar University, as the case may be, shall be conferred upon the qualified students on the result of such examinations, by the Bharathidasan University or the Thiruvalluvar University, respectively.

(5) All colleges within the University area which immediately before the commencement of the 2021 Act,—

(a) continue to be affiliated to, or recognized by, the Bharathidasan University and or the Thiruvalluvar University, as the case may be; and

(b) provide courses of study for admission to the examinations for degrees of the Bharathidasan University or the Thiruvalluvar University, as the case may be, shall be deemed to be colleges affiliated to the Annamalai University under this Act and the provisions of this Act shall, as far as may be, apply accordingly.

(6) All colleges within the University area which immediately before the commencement of the 2021 Act, continue to be recognized by the Bharathidasan University or the Thiruvalluvar University, as the case may be, as colleges providing courses of study for admission to the examinations of the said University, for titles and diplomas, shall be deemed to be colleges approved by the Annamalai University under this Act and the provisions of this Act shall, as far as may be, apply accordingly.

(7) All hostels within the University area which continue to be recognized by the Bharathidasan University or the Thiruvalluvar University, as the case may be, immediately before the commencement of the 2021 Act shall be deemed to be hostels recognized by the Annamalai University under this Act and the provisions of this Act shall, as far as may be, apply accordingly.

(8) Subject to the provisions of sub-section (2), but without prejudice to the provisions of sub-sections (3) to (7), anything done or any action taken before the commencement of the 2021 Act under any provisions of the said Acts in respect of any area to which the provisions of this Act extend shall be deemed to have been done or any action taken under the corresponding provisions of this Act and shall continue to have effect accordingly unless and until superseded by anything done or any action taken under the corresponding provisions of this Act.

Addition of
Schedule.

16. After section 58 of the 2013 Act, the following Schedule shall be added, namely:—

THE SCHEDULE.

[See sections 2(ca) and 2(fb)]

1. Periyar Arts College, Cuddalore.
2. Governments Arts College, Chidambaram.
3. Thirukolanjiappar Government Arts College, Virudhachalam.
4. Aringar Anna Government Arts College, Villupuram.
5. Dharmapuram Gnanambigai Government Arts College for Women, Mayiladuthurai.
6. Thiru A.Govindasamy Government Arts College, Thindivanam.

PART – III.

AMENDMENTS TO THE

BHARATHIDASAN UNIVERSITY ACT, 1981.

17. In the Bharathidasan University Act, 1981,—

Tamil Nadu Act 2
of 1982.

Amendment of
section 1.

(1) in section 1, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It extends to the area comprising the districts of Ariyalur, Karur, Nagappattinam, Perambalur, Pudukkottai, Thanjavur, Trichirappalli and Thiruvallur.”.

(2) in the Schedule, the entry "9. Dharmapuram Gnanambigai Government Arts College for Women, Mayiladuthurai" shall be omitted.

Amendment of
Schedule.

PART – IV.

REPEAL OF DR. J JAYALALITHAA UNIVERSITY ACT, 2021.

Tamil Nadu Act 5
of 2021.

18. (1) The Dr. J Jayalalithaa University Act, 2021 is hereby repealed.

Repeal of
Dr. J Jayalalithaa
University Act,
2021.

(2) The Vice-Chancellor of the Dr. J Jayalalithaa University holding office as such immediately before the date of commencement of the 2021 Act shall, on and from the date of such commencement, cease to hold office as such Vice-Chancellor.

(By Order of the Governor)

C. GOPI RAVIKUMAR,
*Secretary to Government (Legislation),
Law Department.*